

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

ELIZABETH HORTON,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 2:06-cv-526-MHT
	)	
DON WILLIAMS, et al.,	)	
	)	
Defendants.	)	

**MOTION TO WITHDRAW  
THE MOTION FOR A PROTECTIVE ORDER**

Comes now the Alabama Department of Mental Health and Mental Retardation [hereinafter Department] and would show unto this Court as follows:

1. On January 10, 2008, a Subpoena for Production of Documents pursuant to Rule 45 of the Federal Rules of Civil Procedure, was issued to Greil Memorial Psychiatric Hospital, a facility of the Department. This Subpoena required that certain documents related to ELIZABETH WALTON HORTON be produced to the Defendant.

2. On January 15, 2008, counsel was contacted by Greil Hospital's medical records staff and she inquired whether Greil Hospital could release the records pursuant to the above-mentioned subpoena. Counsel advised medical records staff not to release the records and indicated that the undersigned counsel would file a Motion for Protective Order.

3. At the time of filing the Motion for Protective Order, Counsel was not aware that Greil Hospital had not verified that ELIZABETH WALTON HORTON had in fact been a patient of Greil Hospital. After counsel inquired about the volume of the record by request of the Court, Greil Hospital's medical records staff indicated that ELIZABETH WALTON HORTON has not been a patient at our facility. After further review of the Department's

database by Counsel, it was verified that there is no record of ELIZABETH WALTON HORTON ever receiving treatment at one of the Alabama Department of Mental Health and Mental Retardation facilities. Therefore, the Department does not have in its care and custody any medical records relating to ELIZABETH WALTON HORTON.

4. Accordingly, the Department requests that the Court grant this Motion to Withdraw the Motion for Protective Order in the above-styled case. Counsel apologizes to the Court for any inconvenience this may have caused.

Respectfully submitted,

TROY KING (KIN047)  
ATTORNEY GENERAL

/s/ Tamara R. Pharrams  
TAMARA R. PHARRAMS (PHAR1739)  
Assistant Attorney General

COURTNEY W. TARVER (TAR009)  
Deputy Attorney General &  
General Counsel, DMH/MR

Alabama Department of Mental Health  
And Mental Retardation  
100 N. Union St.  
P.O. Box 301410  
Montgomery, AL 36130-1410  
334-242-3038 (phone)  
334-242-0924 (fax)  
courtney.tarver@mh.alabama.gov  
tamara.pharrams@mh.alabama.gov

CERTIFICATE OF SERVICE

I hereby certify that on 24th day of January, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Deborah Moore Nickson, Esq.  
2820 Fairlane Drive  
Suite A-10  
Montgomery, Alabama 36116

Charles A. Stewart, III, Esq.  
Bradley, Arant, Rose & White LLP  
The Center for Commerce  
Suite 780, 401 Adams Avenue  
Montgomery, Alabama 36104  
Dorman Walker, Esq.  
Kelly Fitzgerald Pate, Esq.  
Balch & Bingham  
P. O. Box 78  
Montgomery, Alabama 36101-0078

Elizabeth Brislin Mitchell, Esq.  
Bradley, Arant, Rose & White, LLP  
One Federal Place  
1819 5<sup>th</sup> Avenue North  
Birmingham, AL 35203

Jack W. Wallace, Jr., Esq.  
Office of the Attorney General  
General Civil  
11 South Union Street  
Montgomery, Alabama 36130

William O. Butler, III, Esq.  
Alabama Medicaid Agency  
P. O. Box 5624  
501 Dexter Avenue  
Montgomery, AL 36103-5624

/s/ Tamara R. Pharrams  
TAMARA R. PHARRAMS